

REMARKS

Claims 6-9, 11-14, 21-25, 27, and 31-37 are all the claims pending in the application.¹

Upon entry of the present Amendment, claims 11, 12, 21 and 27 are amended.

To summarize the Office Action, claims 12-14 and 21 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Nagashima et al. (U.S. Patent No. 5,963,521, hereinafter “Nagashima”), claims 11 and 27 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nagashima in view of Kozuka et al. (U.S. Patent No. 6,466,735, hereinafter “Kozuka”). Further, the Examiner indicates that claims 6-9, 22-25 and 31-37 are allowed. The outstanding rejections are traversed, as discussed below.

Claim Rejections - 35 U.S.C. § 102

As noted above, claims 12-14 and 21 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Nagashima. Applicant respectfully traverses and submits that Nagashima fails to teach all the features of these claims, as evidenced by the following.

Claim 12

With respect to claim 12, Applicant notes that claim 12 defines an information recording and reproducing apparatus comprising, *inter alia*, a controlling device for controlling the first reproducing device, the recording device and the second reproducing device to output the audio

¹ Applicant notes that claims 1-5, 10, 15-20, 26, and 28-30 were previously cancelled without prejudice or disclaimer.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 09/715,009
Attorney Docket No. Q61858

information from the second information record medium to an external portion, when a reproduction start, which starts reproduction of audio information from the first information record medium by the first reproducing device, is instructed. Applicant submits that *at least* this feature is not taught by Nagashima.

In this regard, Applicant notes that Nagashima teaches a disc recording and reproducing apparatus in which a first unit is devoted to playback and a second unit which provides recording and/or reproducing, wherein signals reproduced from the unit devoted to playback are recorded by the recording system of the recording and/or reproducing unit. *See* Nagashima at col. 3, lines 34-46. Further, Nagashima merely teaches that audio is monitored during the dubbing operation by decoder 41, which is provided at the devoted playback unit (i.e., reproduction only unit) and provides output via ADPCM decoder 43 to terminals 46. *See* Nagashima at col. 12, lines 46-50.

Thus, the monitoring output is decoder from the devoted playback unit in Nagashima's dubbing system. Consequently, Nagashima fails to suggest *at least* the feature of outputting the audio information from the second information record medium to an external portion, when a reproduction start, which starts reproduction of audio information from the first information record medium by the first reproducing device, is instructed, as recited by claim 12.

As evidenced by the foregoing, Nagashima fails to teach or suggest all the features of claim 12. Reconsideration and withdrawal of the rejection is respectfully requested. Further, Applicant submits that claims 13 and 14 are allowable at least by virtue of their dependency.

Claim 21

Independent claim 21 defines an information recording and reproducing apparatus comprising, *inter alia*, a controlling device for controlling said reproducing device and said recording device so as to simultaneously record a portion of the audio information to the second information record medium at the set recording speed and reproduce another portion of the audio information by reproducing the another portion of the audio information from the second recording medium at the set reproducing speed. Applicant submits that Nagashima fails to teach or suggest *at least* this feature.

Initially, Applicant notes that above feature of claim 21, as amended, is recited in claims 6, 22, 31 and 33, which the Examiner indicated as being allowable in the present Office Action. Further, the failure of Nagashima to suggest the feature of controlling the second reproducing device and the recording device so as to simultaneously record a portion of the audio information to the second information record medium at the set recording speed and reproduce another portion of the audio information by reproducing the another portion of the audio information from the second information record medium at the set reproducing speed was discussed in the previous Amendment of October 31, 2005 with respect to independent claims 6, 22, 31, and 33.

As previously noted, For instance, Nagashima merely teaches a disc recording and reproducing apparatus in which a first unit is devoted to playback and a second unit which provides recording and/or reproducing, wherein signals reproduced from the unit devoted to playback are recorded by the recording system of the recording and/or reproducing unit. *See* Nagashima at col. 3, lines 34-46. As shown in Figure 1, the recording and/or reproducing unit is

depicted in the bottom of the figure (i.e., at optical disc 2 and optical head 3) while the devoted playback unit is depicted at the top of the figure (i.e., at optical disc 32 and optical head 33). *See* Nagashima at col. 4, line 21-45 and col. 8, line 9-38. Thus, Nagashima teaches that a dubbing operation is performed by reproduction of a first disc from the devoted playback unit and recorded the data from the first disc at the recording and/or reproducing unit in either high speed dubbing or ordinary speed dubbing. *See* Nagashima at col. 12, lines 13-14.

However, as Nagashima teaches that the data is recorded on an optical disc at the recording and/or reproducing unit at the same speed that the devoted playback unit reproduces a first disc, Nagashima clearly cannot be relied upon to teach simultaneously recording a portion of the audio information to the second information record medium at the set recording speed and reproduce another portion of the audio information by reproducing the another portion of the audio information from the second recording medium at the set reproducing speed, as claimed. For instance, Nagashima does not teach that data recorded to the optical disk at the recording and/or reproducing unit is simultaneously reproduced by the recording and/or reproducing unit. Rather, the only reproduction that occurs during the dubbing process involves reading data from the disc at the devoted playback unit. In this regard, Applicant notes that Nagashima teaches that the audio data is monitored during high-speed dubbing by decoding audio data by decoder 41, memory 42 and ADPCM decoder 43. *See* Nagashima at col. 12, lines 46-58. However, as seen in Figure 1, decoder 41, memory 42 and ADPCM decoder 43 are provided at the devoted playback unit, which the Examiner analogized to the first reproducing device.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 09/715,009
Attorney Docket No. Q61858

Thus, *at least* for reasons analogous to claims 6, 22, 31 and 32, Applicant submits that Nagashima likewise fails to suggest the feature of a controlling device for controlling said reproducing device and said recording device so as to simultaneously record a portion of the audio information to the second information record medium at the set recording speed and reproduce another portion of the audio information by reproducing the another portion of the audio information from the second recording medium at the set reproducing speed, as recited by claim 21. Accordingly, reconsideration and withdrawal of the rejection of claim 21 is requested.

Claim Rejections - 35 U.S.C. § 103

Claims 11 and 27 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nagashima in view of Kozuka. Applicant respectfully traverses and submits that the combination of features recited in claims 11 and 27 would not have been rendered *prima facie* obvious in view of Nagashima and Kozuka.

For instance, claims 11 and 27 respectively define information recording and reproducing apparatuses and recite the feature of a controlling device for controlling said reproducing device and said recording device so as to simultaneously record a portion of the audio information to the second information record medium at the set recording speed and reproduce another portion of the audio information by reproducing the another portion of the audio information from the second recording medium at the set reproducing speed. As discussed above with respect to claim 21, Nagashima fails to suggest at least this feature. Therefore, the above arguments regarding

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 09/715,009
Attorney Docket No. Q61858

the deficiencies of Nagashima with respect to claim 21 are likewise applicable to claims 11 and 27.

Further, Applicant submits that Kozuka fails to compensate for the deficiencies of Nagashima. In this regard, Applicant notes that the Examiner relies on Kozuka for an alleged teaching of information recorded in a record medium including map data of at least one territory and a navigation device for controlling the navigation function by using the map information. *See* Office Action at page 7. Applicant submits that Kozuka's teaching of an optical disk and reproduction apparatus fails to teach at least the feature of controlling the second reproducing device and the recording device so as to simultaneously record a portion of the audio information to the second information record medium at the set recording speed and reproduce another portion of the audio information by reproducing the another portion of the audio information from the second information record medium at the set reproducing speed, as claimed.

Therefore, even assuming *arguendo* that the Examiner's asserted motivation to combine Nagashima and Kozuka is proper, the combination fails to suggest all the limitations of claims 11 and 27. Accordingly, reconsideration and withdrawal of the rejection of these claims is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 09/715,009
Attorney Docket No. Q61858

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Brian K. Shelton
Registration No. 50,245

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

Date: June 7, 2006